

COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
PETER S. PEARLMAN
JEFFREY W. HERRMANN
Park 80 Plaza West-One
Saddle Brook, NJ 07663
Telephone: 201/845-9600
201/845-9423 (fax)

Liaison Counsel

ROBBINS GELLER RUDMAN
& DOWD LLP
ARTHUR C. LEAHY
THEODORE J. PINTAR
JEFFREY D. LIGHT (159515)
SHANNON M. MATERA
FRANCIS A. DIGIACCO
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HOWARD CHARATZ, Individually	)	No. 3:05-cv-02319-MLC-TJB
and On Behalf of All Others Similarly	)	(Consolidated)
Situated,)	
	)	<u>CLASS ACTION</u>
Plaintiff,)	
	)	DECLARATION OF EBEN O.
vs.	)	MCNAIR, IV FILED ON BEHALF OF
	)	SCHWARZWALD MCNAIR &
AVAYA, INC., et al.,	)	FUSCO LLP IN SUPPORT OF
	)	APPLICATION FOR AWARD OF
Defendants.	)	ATTORNEYS' FEES AND
	)	EXPENSES

I, Eben O. McNair, IV, declare as follows:

1. I am a principal with the firm of Schwarzwald McNair & Fusco LLP. I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses in connection with services rendered in the above-entitled action.

2. This firm is counsel of record for plaintiffs UFCW Local 880 –Retail Food Employers Joint Pension Fund and UFCW Local 880 Union – Employer Pension Fund.

3. The total number of hours spent on this litigation by my firm is 17.60. The total lodestar amount for attorney/paralegal time based on the firm's current rates is \$6,160.00. The hourly rates shown below are the usual and customary rates charged for each individual in all of our securities cases. A breakdown of the lodestar is as follows:

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Eben O. McNair, IV	(P)	17.30	\$350.00	\$6,055.00
Daniel S. White	(P)	.30	\$350.00	\$105.00
	(PL)	N/A	N/A	N/A
<i>TOTAL:</i>		17.60		\$6,160.00

(P) Partner

(A) Associate

(PL) Paralegal

4. My firm incurred a total of \$99.47 in expenses in connection with the prosecution of this litigation. They are broken down as follows:

EXPENSES

From Inception to July 12, 2010

EXPENSE CATEGORY	TOTAL
Meals, Hotels & Transportation	\$15.25
Photocopies	\$36.80
Postage	\$2.31
Telephone, Facsimile	\$2.40
Messenger, Overnight Delivery	\$18.07
Filing, Witness & Other Fees	N/A
Court Reporters	N/A
Lexis, Westlaw, Online Library Research	\$24.64
Class Action Notices/Business Wire	N/A
Mediation Fees	N/A
Experts/Consultants/Investigators	N/A
Outside:	N/A
In-House:	N/A
Assessments	
TOTAL	\$99.47

(a) Meals, Hotels and Transportation: \$15.25. Expenses for out-of-town meals, hotels and transportation were incurred for the following purposes:

NAME	DATE	DESTINATION	PURPOSE
Eben O. McNair, IV	10-22-08	Yellow Cab to Local 880 Offices	Business

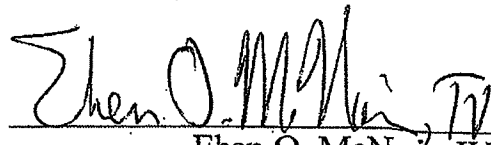
(b) Lexis, Westlaw, Online Library Research: \$24.64. These included vendors such as Disclosure, Inc., Dow Jones Interactive, Dow Jones & Co., Inc., Lexis Nexis, CDA Investment Technologies, Pacer Service Center, West Publishing

Corporation, and Choice Point. These databases were used to obtain access to SEC filings, legal research, and cite-checking of briefs. The charges for these vendors vary depending upon the type of services requested.

5. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers, check records and other documents and are an accurate record of the expenses.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of July 2010, at Cleveland, Ohio.


Eben O. McNair, IV